



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 (Fax) 479-936-5401
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: September 8, 2020

The following committee meetings will be held on **Tuesday, September 8, 2020** prior to the City Council Meeting:

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Carmichael, Townzen) [Zoom Link](#) **OR** [\(312\)626-6799 ID: 889 3177 2956](#)

- To Discuss:
- (a) An Ordinance Waiving Competitive Bidding For The Purchase Of A Used 2020 John Deere 544 Loader For Use By The City Of Rogers' Street Department
 - (b) A Resolution Amending The 2020 Budget To Recognize Lease Revenue In The Amount Of \$158,400.00 Into Account #200-16-49400 Rental Income; Appropriating \$189,823.00 To Account # 200-16-80100 Capital Expenditures From Rental Revenue And Street Fund Reserves
 - (c) Discussion to extend the Mayor's authority to close parking spots due to Covid

05:45 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall) [Zoom Link](#) **OR** [\(312\)626-6799 ID: 854 2848 0629](#)

- To Discuss:
- (a) A Resolution Approving Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. To Provide Bond Counsel Services To The Rogers Water Utilities, The Rogers Waterworks And Sewer Commission And The City Of Rogers With Respect To Optional Redemption Of Certain Sewer Bonds Issued By The City Of Rogers And To Provide Other Assistance To The Rogers Water Utilities As Requested

05:45 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Carmichael) [Zoom Link](#) **OR** [\(312\)626-6799 ID: 889 3177 2956](#)

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Accept A Staffing Adequate Fire And Emergency Response (Safer) Grant From The US Department Of Homeland Security For The Purpose Of Providing Additional Personnel To The Rogers Fire Department
 - (b) A Resolution Authorizing The Mayor And City Clerk To Enter Into An Agreement For Low Acuity Ambulance Services With Pafford Medical Services, Inc. Of Hope, Arkansas

06:00 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) [Zoom Link](#) OR **(312)626-6799 ID: 854 2848 0629**

To Discuss:

- (a) A Resolution Amending The 2020 Budget To Appropriate Seventeen Thousand Two Hundred Fifty Seven Dollars And Twenty Seven Cents (\$17,257.27) From General Fund Reserves To Account #100-01-70300 Solid Waste To Continue Operations Of The Benton County Convenience Center Satellite Facility
- (b) A Resolution Amending The 2020 Budget Due To Additional Costs In The Construction Of The Rogers Cemetery House; Appropriating \$42,192.00 From General Fund Reserves To Account #100-07-80100 Capital Expenditures

06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Carmichael*, Townzen, Hayes) [Zoom Link](#) OR **(312)626-6799 ID: 889 3177 2956**

To Discuss:

- (a) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM (First National Bank) [Staff Report Link](#)
- (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To U-NBT And U-COM (Hutton) [Staff Report Link](#)
- (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To I-1 (Storage World) [Staff Report Link](#)
- (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (Potato Chip Factory) [Staff Report Link](#)



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 (Fax) 479-936-5401
www.rogersar.gov

ROGERS CITY COUNCIL
AGENDA

SEPTEMBER 8, 2020

6:30 PM

[HTTPS://US02WEB.ZOOM.US/J/85195974383](https://us02web.zoom.us/j/85195974383) OR (312) 626-6799 ID: 851 9597 4383

PUBLIC FORUM:

ROLL CALL:

ACTION ON MINUTES:

- 1. August 25, 2020

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. ORD. Re: Waiving Competitive Bidding For The Purchase Of A Used 2020 John Deere 544 Loader For Use By The City Of Rogers' Street Department **TRANSPORTATION COMMITTEE**
- 2. RES. Re: Amending The 2020 Budget To Recognize Lease Revenue In The Amount Of \$158,400.00 Into Account #200-16-49400 Rental Income; Appropriating \$189,823.00 To Account # 200-16-80100 Capital Expenditures From Rental Revenue And Street Fund Reserves **TRANSPORTATION COMMITTEE**
- 3. RES. Re: Approving Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. To Provide Bond Counsel Services To The Rogers Water Utilities, The Rogers Waterworks And Sewer Commission And The City Of Rogers With Respect To Optional Redemption Of Certain Sewer Bonds Issued By The City Of Rogers And To Provide Other Assistance To The Rogers Water Utilities As Requested **PUBLIC WORKS COMMITTEE**

- | | | | |
|-----|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 4. | RES. Re: | Authorizing The Mayor And City Clerk To Accept A Staffing Adequate Fire And Emergency Response (Safer) Grant From The Us Department Of Homeland Security For The Purpose Of Providing Additional Personnel To The Rogers Fire Department | PUBLIC SAFETY
COMMITTEE |
| 5. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into An Agreement For Low Acuity Ambulance Services With Pafford Medical Services, Inc. Of Hope, Arkansas | PUBLIC SAFETY
COMMITTEE |
| 6. | RES. Re: | Amending The 2020 Budget To Appropriate Seventeen Thousand Two Hundred Fifty Seven Dollars And Twenty Seven Cents (\$17,257.27) From General Fund Reserves To Account #100-01-70300 Solid Waste To Continue Operations Of The Benton County Convenience Center Satellite Facility | FINANCE
COMMITTEE |
| 7. | RES. Re: | Amending The 2020 Budget Due To Additional Costs In The Construction Of The Rogers Cemetery House; Appropriating \$42,192.00 From General Fund Reserves To Account #100-07-80100 Capital Expenditures | FINANCE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM (First National Bank) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To U-NBT And U-COM (Hutton) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 10. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To I-1 (Storage World) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

11. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From N-R To NBT (Potato Chip
Factory)

COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. 20-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF A USED 2020 JOHN DEERE 544 LOADER FOR USE BY THE CITY OF ROGERS' STREET DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, Benton County has discontinued its operation of the Yard Waste Disposal Center;

WHEREAS, the City of Rogers plans to keep the Yard Waste Disposal Center operational for City of Rogers' residents only for the remainder of the year;

WHEREAS, the City of Rogers' Street Department wishes to purchase a used 2020 John Deere 544 Loader (hereinafter "Loader") for use at the Yard Waste Disposal Center;

WHEREAS, Stribling Equipment, LLC of Little Rock, Arkansas, has agreed to a purchase price for the Loader at one hundred seventy-nine thousand one hundred one dollars and fifty six cents (\$179,101.56); and

WHEREAS, the Loader is a used unit and therefore the use of competitive bidding is neither practical nor feasible.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of a used 2020 John Deere 544 Loader for use by the City of Rogers' Street Department;

Section 2: The City agrees to purchase the Loader from Stribling Equipment, LLC of Little Rock, Arkansas for the purchase price of one hundred seventy-nine thousand one hundred one dollars and fifty six cents (\$179,101.56);

Section 3: Emergency Clause: The need to acquire and the availability of the used Loader is immediate and an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval;

Section 4: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Frankie Guyll, Superintendent – Street Department
Prepared by: John M. Pesek, Staff Attorney
For Consideration by: Transportation Committee

RESOLUTION NO. R20-_____

A RESOLUTION AMENDING THE 2020 BUDGET TO RECOGNIZE LEASE REVENUE IN THE AMOUNT OF ONE HUNDRED FIFTY-EIGHT THOUSAND FOUR HUNDRED DOLLARS (\$158,400.00) INTO ACCOUNT #200-16-49400 RENTAL INCOME; APPROPRIATING ONE HUNDRED EIGHTY-NINE THOUSAND EIGHT HUNDRED TWENTY-THREE DOLLARS (\$189,823.00) TO ACCOUNT # 200-16-80100 CAPITAL EXPENDITURES FROM RENTAL REVENUE AND STREET FUND RESERVES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers receives \$19,800.00 monthly in lease revenue from a lease agreement between the City of Rogers and The Recon Group, LLC for property located within the Rogers Street Department building; and

WHEREAS, the City of Rogers' Street Department desires to amend the 2020 Budget and recognize this rental revenue and appropriate additional street fund reserves to purchase a used loader for \$179,101.56.

WHEREAS, the City needs to appropriate an additional \$10,721.38 to the 2020 budgeted purchase of a tri-axle dump truck which was budgeted in 2020 at \$150,000; however, the actual purchase price of the used tri-axle dump truck is \$160,721.38, which necessitates the need for the additional appropriation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The 2020 Budget is hereby amended to recognize lease revenue in the amount of one hundred fifty-eight thousand four hundred dollars (\$158,400.00) to Account #200-16-49400 Rental Income;

Section 2: The 2020 Budget is further amended to appropriate one hundred eighty-nine thousand eight hundred twenty-three dollars (\$189,823.00) from Account #200-16-49400 Rental Income and Street Fund Reserves to Account #200-16-80100 Capital Expenditures;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Frankie Gyll, Street Department Superintendent
Prepared By: John M. Pesek, Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R20-_____

A RESOLUTION APPROVING MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, P.L.L.C. TO PROVIDE BOND COUNSEL SERVICES TO THE ROGERS WATER UTILITIES, THE ROGERS WATERWORKS AND SEWER COMMISSION AND THE CITY OF ROGERS WITH RESPECT TO OPTIONAL REDEMPTION OF CERTAIN SEWER BONDS ISSUED BY THE CITY OF ROGERS AND TO PROVIDE OTHER ASSISTANCE TO THE ROGERS WATER UTILITIES AS REQUESTED; AUTHORIZING THE ROGERS WATER UTILITIES AND THE ROGERS WATERWORKS AND SEWER COMMISSION TO SELECT AND ENGAGE OTHER PROFESSIONALS AND/OR PROFESSIONAL SERVICE FIRMS TO ACCOMPLISH OPTIONAL REDEMPTION OF THE BONDS; AND FOR OTHER PURPOSES

WHEREAS, the Rogers Water Utilities and the Rogers Waterworks and Sewer Commission have issued that certain Request for Qualifications (RFQ) dated July 29, 2020, seeking bond counsel services to provide advice and assistance with regard to optional redemption of certain sewer bonds issued by the City of Rogers, Arkansas, namely that certain series of bonds known as the \$3,310,000 City of Rogers Arkansas, Sewer Revenue Bonds Series 2010 (“the Bonds”); and RWU also seeks bond counsel to provide additional legal counsel and assistance as requested during fiscal year 2021; and

WHEREAS, having reviewed the submissions made in response to the RFQ, the Rogers Waterworks and Sewer Commission has selected Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. (“Mitchell Williams”) to provide bond counsel services with respect to optional redemption of the Bonds; and to provide additional legal counsel and assistance to RWU as requested during fiscal year 2021.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: The Rogers City Council hereby approves the selection of Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. (“Mitchell Williams”) to provide bond counsel services with respect to optional redemption of the Bonds; and to provide additional legal counsel and assistance to RWU as requested during fiscal year 2021 and further authorizes the Rogers Water Utilities and the Rogers Waterworks and Sewer Commission to negotiate a contract with Mitchell Williams, in accordance with Ark. Code. Ann. § 19-11-805 and the specifications of the RFQ.

Section 2: The Rogers Water Utilities and the Rogers Waterworks and Sewer Commission are further authorized, in accordance with applicable law, to select and engage other professionals and/or professional service firms, necessary to accomplish optional redemption of the Bonds.

Section 3: In consultation with Mitchell Williams and/or other professionals, and/or other professional services firms selected, the Rogers Water Utilities and the Rogers Waterworks and Sewer Commission are further authorized to present recommendations for optional redemption, and/or other prudent and appropriate actions, with respect to the Bonds, to the Rogers City Council for approval.

Section 4: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Rogers Waterworks and Sewer Commission and Rogers Water Utilities
Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and
Rogers Water Utilities
For Consideration By: Public Works Committee

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT A STAFFING ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF PROVIDING ADDITIONAL PERSONNEL TO THE ROGERS FIRE DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department has been awarded a Staffing Adequate Fire and Emergency Response (SAFER) Grant from the US Department of Homeland Security;

WHEREAS, the grant will allow for the Rogers Fire Department to hire three (3) additional firefighters to staff Fire Station #2's Heavy Rescue and Hazardous Materials Unit;

WHEREAS, the purpose of the Staffing for Adequate Fire and Emergency Response (SAFER) program is to provide grants to fire service agencies to provide financial assistance for firefighter staffing;

WHEREAS, the goal of the grant program is to assist local fire departments with staffing and deployment capabilities in order to respond to emergencies, assuring communities have adequate protection from fire and fire related hazards;

WHEREAS, SAFER funding will pay 100 percent (100%) of the salary and benefit costs for newly hired firefighters (exclusive of overtime) for three years; and

WHEREAS, if accepted, this grant will allow the fire department to respond with sufficient personnel in meeting applicable OSHA standards;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to accept a Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the U.S. Department of Homeland Security for the purpose of providing additional firefighting personnel to the Rogers Fire Department.

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Chief - Rogers Fire Department

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R20-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR LOW ACUITY AMBULANCE SERVICES WITH PAFFORD MEDICAL SERVICES, INC. OF HOPE, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department issued a Request for Proposals to perform low acuity ambulance services for the City; and

WHEREAS, Pafford Medical Services, Inc. of Hope, Arkansas provided the lowest qualified bid that was accepted by the Mayor’s representative;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk may enter into an agreement with Pafford Medical Services, Inc. of Hope, Arkansas to perform the City’s low acuity ambulance services;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Thomas Jenkins, Chief – Rogers Fire Department

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Public Safety Committee

RESOLUTION NO. R20-_____

A RESOLUTION AMENDING THE 2020 BUDGET TO APPROPRIATE SEVENTEEN THOUSAND TWO HUNDRED FIFTY SEVEN DOLLARS AND TWENTY SEVEN CENTS (\$17,257.27) FROM GENERAL FUND RESERVES TO ACCOUNT #100-01-70300 SOLID WASTE TO CONTINUE OPERATIONS OF THE BENTON COUNTY CONVENIENCE CENTER SATELLITE FACILITY; AND FOR OTHER PURPOSES.

WHEREAS, City of Rogers desires to keep the operations of the Benton County Convenience Center Satellite Facility ongoing through December 31, 2020;

WHEREAS, City of Rogers has entered into a Memorandum of Understanding with Benton County to continue operations of this facility with the City of Rogers and Benton County each paying one-half (1/2) of the costs of operations through the end of 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The 2020 Budget is hereby amended to appropriate seventeen thousand two hundred fifty seven dollars and twenty-seven cents (\$17,257.27) from General Fund Reserves to Account #100-01-70300 Solid Waste;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Frankie Guyll, Superintendent – Streets Department

Prepared by: John Pesek, Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R20-_____

A RESOLUTION AMENDING THE 2020 BUDGET DUE TO ADDITIONAL COSTS IN THE CONSTRUCTION OF THE ROGERS CEMETERY HOUSE; APPROPRIATING FORTY-TWO THOUSAND ONE HUNDRED NINETY-TWO DOLLARS (\$42,192.00) FROM GENERAL FUND RESERVES TO ACCOUNT #100-07-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, The 2019 City of Rogers' budget allowed for the construction of a new house on the grounds of the Rogers municipal cemetery;

WHEREAS, the construction project was over budget and delayed due to the discovery and abatement of asbestos; and

WHEREAS, the project further went over budget due to said delay that required an extension of a rental agreement for temporary housing for the Cemetery Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The sum of forty-two thousand one hundred ninety-two dollars (\$42,192.00) is hereby appropriated from General Fund Reserves to Account #100-07-80100 Capital Expenditures;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: David Hook - Facilities Manager
Prepared By: John M. Pesek - Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 20-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO U-COM, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on September 1, 2020, the City Council has found that certain lands hereinafter described are better suited for U-COM zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as U-COM and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 30 WEST IN THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NE 1/4 OF THE SE 1/4,
THENCE NORTH 87 DEGREES, 28 MINUTES, 30 SECONDS WEST 40.26 FEET, ALONG THE SOUTH LINE OF SAID 1/4 OF THE SE 1/4, TO THE WEST RIGHT-OF-WAY OF PINNACLE HILLS PARKWAY FOR THE POINT OF BEGINNING;
THENCE LEAVING THE WEST RIGHT-OF-WAY OF PINNACLE HILLS PARKWAY AND CONTINUING ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE SE 1/4, NORTH 87 DEGREES, 28 MINUTES, 30 SECONDS WEST 257.50 FEET;
THENCE LEAVING THE SOUTH LINE OF SAID NE 1/4 OF THE SE 1/4 AND RUNNING NORTH 02 DEGREES, 30 MINUTES, 07 SECONDS EAST 210.00 FEET;
THENCE SOUTH 87 DEGREES, 28 MINUTES, 30 SECONDS EAST 257.50 FEET TO THE WEST RIGHT-OF-WAY OF PINNACLE HILLS PARKWAY; THENCE CONTINUING ALONG THE WEST RIGHT-OF-WAY OF PINNACLE HILLS PARKWAY, SOUTH 02 DEGREES, 30 MINUTES. 07 SECONDS WEST 210.00 FEET TO THE POINT OF BEGINNING.

LAYMAN'S DESCRIPTION:

3706 S. Pinnacle Hills Pkwy.

SECTION 3: **Zoning.** That the above described lands are better suited for U-COM than C-2 zoning and same should be and are hereby zoned U-COM.

SECTION 4: **Emergency Clause.** That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: **Severability Provision.** In the event that any section, paragraph, subdivision,

clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ **DAY OF** _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested By: Daniel Ellis
Prepared By: Community Development
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 20-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 TO U-NBT AND U-COM, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on September 1, 2020, the City Council has found that certain lands hereinafter described are better suited for U-NBT and U-COM zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as U-NBT and U-COM and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

U-NBT:

PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 20; THENCE N87°32'50"W 618.13 FEET TO THE POINT OF BEGINNING; THENCE S05°02'00"W 571.54 FEET; THENCE N87°55'21"W 300.40 FEET; THENCE N05°02'00"E 633.04 FEET; THENCE N87°33'06"W 17.99 FEET; THENCE N02°50'28"E 47.11 FEET; THENCE S87°32'50"E 320.10 FEET; THENCE S05°02'00"W 106.68 FEET TO THE POINT OF BEGINNING, CONTAINING 4.70 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

U-COM:

PART OF THE E 1/2 OF THE NE 1/4 OF SECTION 20, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 20; THENCE S03°57'54"W 567.04 FEET; THENCE N87°55'21"W 628.91 FEET; THENCE N05°02'00"E 678.22 FEET; THENCE S87°32'50"E 583.76 FEET; THENCE S02°18'36"W 47.04 FEET; THENCE S87°33'06"E 29.61 FEET; THENCE S02°36'10"W 59.54 FEET TO THE POINT OF BEGINNING, CONTAINING 9.62 ACRES, MORE OR LESS AND SUBJECT TO THE RIGHT-OF-WAY OF SOUTH CHAMPIONS DRIVE ALONG THE EAST AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

2724 and 2920 S. Champions Drive

SECTION 3: **Zoning.** That the above described lands are better suited for U-NBT and U-COM than A-1 zoning and same should be and are hereby zoned U-NBT and U-COM.

SECTION 4: **Emergency Clause.** That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2020.

ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested By: Daniel Ellis
Prepared By: Community Development
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM C-2 TO I-1, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on September 1, 2020, the City Council has found that certain lands hereinafter described are better suited for I-1 zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as I-1 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A part of the northwest quarter of the northwest quarter of the fractional Section 6, Township 19 North, Range 29 West, Benton County, Arkansas, being more particularly described as follow, to-wit: commencing at the southwest corner of the west half of the northwest quarter of said fractional Section 6 and running thence N02°26'13"E 1610.72', thence to and along the north right-of-way of West Industrial Drive S88°11'27"E 237.98' to an existing rebar, thence leaving said right-of-way N01°45'51"E 127.43' to an existing rebar, thence S87°25'47"E 419.01' to the true point of beginning and running thence N07°17'40"E 368.40', thence S87°28'46"E 268.33' to an existing rebar on the west right-of-way of the Arkansas & Missouri railroad, thence along said right-of-way S07°16'12"W 368.62' to an existing rebar, thence leaving said right-of-way N87°25'47"W 268.47' to the point of beginning, containing 2.26 acres, more or less. Subject to all easements and rights-of-way of record.

LAYMAN'S DESCRIPTION:

2.26 ± acres at the East end of W. Industrial Dr. between the railroad tracks and N. 2nd St.

SECTION 3: Zoning. That the above described lands are better suited for I-1 than C-2 zoning and same should be and are hereby zoned I-1.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2020. ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested By: Geoff Bates
Prepared By: Community Development
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM N-R TO NBT, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on September 1, 2020, the City Council has found that certain lands hereinafter described are better suited for NBT zoning.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF LOT 1, BLOCK 15, AND THE NORTH 50 FEET OF LOT 1, BLOCK 15 OF J WADE SIKES PARK ADDITION CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK "B", PAGE 20 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:
BEGINNING AT THE NE CORNER OF SAID LOT 1, THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF S. 2ND STREET S02°56'06"W 110.00 FEET, THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N86°26'30"W 149.61 FEET, THENCE N02°43'58"E 110.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF W. SYCAMORE STREET, THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S86°26'36"E 150.00 FEET TO THE POINT OF BEGINNING, CONTAINING 16,477.31 SQUARE FEET OR 0.38 ACRES. MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS.

LAYMAN'S DESCRIPTION:

804 S. 2nd St. and 208 W. Sycamore St.

SECTION 3: Zoning. That the above described lands are better suited for NBT than N-R zoning and same should be and are hereby zoned NBT.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

SECTION 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

SECTION 6: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2020.
ROGERS, ARKANSAS

ATTEST:

APPROVED:

JESSICA RUSH, CLERK

C. GREG HINES, MAYOR

Requested By: Steven Strasters
Prepared By: Community Development
For Consideration By: Community Environment & Welfare Committee